



TESTIMONY OF THE CONNECTICUT JUVENILE JUSTICE ALLIANCE
EDUCATION COMMITTEE

**SUPPORTING HB 5170: AN ACT CONCERNING STUDENTS' RIGHT TO PRIVACY IN
THEIR MOBILE ELECTRONIC DEVICES.**

FEBRUARY 26, 2018

Good afternoon Senator Fleischmann, Senator Slossberg, Representative Boucher, and members of the Education Committee. My name is Abby Anderson; I am the executive director of the Connecticut Juvenile Justice Alliance. The Alliance is a statewide public policy and advocacy organization dedicated to ending the criminalization of Connecticut's children. We believe in prevention to keep children from entering the system, and best practice and policy to help kids who do enter the system to be successful.

This legislation will amend the Connecticut General Statutes to protect student privacy by ensuring that there are uniform procedural standards for school administrators who seek to seize and search a student's personal mobile electronic device. A current lack of uniformity in policies leads to **grave violations of students' privacy** that can give rise to significant school disciplinary consequences or juvenile justice system involvement.

Connecticut school and court data consistently show children of color facing disproportionate rates of suspension, expulsion, school-based arrest, and juvenile justice system involvement. The Alliance is supportive of this legislation that will create clarity and uniformity to reduce children being referred to court unnecessarily.

Despite the widespread availability of cell phones to young people, school districts have a hodgepodge of unequal policies around student privacy and personal electronic devices. Some school districts explicitly state that students have **no** right to privacy in their electronic devices while others have flawed policies that purport to give school administrators the ability to demand students' passwords for private personal devices without cause.

This bill ensures that all Connecticut schools operate under the constitutional standard established by the U.S. Supreme Court case New Jersey v. T.L.O. By preventing schools from conducting searches of students' electronic devices without adequate suspicion, this bill would uphold student's Fourth Amendment right to be free from unreasonable searches and seizures while also reducing situations where a student can face school discipline or juvenile justice system involvement based on a violation of their rights. Studies have shown that suspension, expulsion and arrest are all potentially life-altering consequences. These should, at the very least, be based on reasonable suspicion. Furthermore, the new standards created by this legislation are procedural in nature, so there are no costs to local and regional school districts.

This bill is strong but should also include the following provisions to further protect the privacy rights of students:

- This bill should include a provision to protect both the student and the parent or guardian's right to privacy by requiring that parents receive notification prior to a school administrator searching their child's phone.

- Parents often rely on cell phones to convey personal family information to their children. An intrusion into this space should not happen without notifying a parent first, absent evidence of imminent danger to the student or others.
- This bill should expressly state that any information and evidence discovered beyond the scope of the search is **not admissible** in any school disciplinary action against the student.
 - The language of this bill states that searches should be strictly limited to finding evidence of a suspected policy violation or to prevent imminent personal injury to such student or others, and should immediately cease upon finding sufficient evidence or no evidence of the suspected violation, or preventing such imminent personal injury to such student or others.
 - If administrators abuse their authority and fail to cease their search, extending it beyond the initial scope, anything found as a result of a failure to follow this law should absolutely be inadmissible and unable to be used in a school disciplinary proceeding against the student.
- This bill should require that cell phones seized from a student are returned to the student or parent/guardian at the end of the school day.

This bill should expressly create a sense of uniformity across the state by requiring that all school districts include its provisions in their respective Codes of Conduct.

Thank you for the opportunity to submit this testimony.

Alliance member organizations:

AFCAMP, Alliance for Children's Mental Health, Center for Children's Advocacy, CHDI, Connecticut Legal Services, Connecticut Voices for Children, Connecticut Youth Services Association, Community Partners in Action, FAVOR, LifeBridge, NAMI Connecticut, Office of the Chief Public Defender, Office of the Child Advocate, RYASAP, The Village for Families and Children